

REMARKS

Claims 1-29, 31-47, 50-64, and 67-70 are pending in this application. Claims 30, 48, 49, 65, and 66 have been cancelled. New Claims 67-70 are added. No new matter has been introduced into this application by reason of the amendments to the claims.

35 USC 112, Second Paragraph: Claims 12-21, 34, and 35

The Examiner rejected Claims 12-21, 34, and 35 as being too indefinite to particularly point out and distinctly claim the subject matter of the Applicant's invention. In making this rejection the Examiner explained that Claim 12 is rendered unclear because it recites "a force spreading means", a term that was already recited in a claim from which Claim 12 depends. The Examiner also explained that Claims 16 and 34 recite the terms "an inner rod" and "a force spreading means" which were already recited in a previous claim from which Claims 16 and 34 depend. The Examiner further explained that Claim 35 recites the term "an inner rod" which was already recited in a previous claim from which Claim 35 depends.

It is believed that the amendments to Claim 12-21, 34 and 35 overcome this rejection. Therefore, the rejection should be withdrawn.

35 USC 102(b): Claims 23, 27, 41, and 42

The Examiner rejected Claims 23, 27, 41, and 42 as being anticipated by US 4,474,201 (Kida).

Claim 23 has been amended to include the features of former Claim 30 which the Examiner indicated contained allowable subject matter. Therefore, the Applicant's claimed umbrella frame as now presented in Claim 23 is novel relative to Kida.

In re the Application of GREIG REID BREBNER
International Application No. PCT/NZ2004/000292
Docket No. 0074-542855

Claim 41 has been amended to include the features of former Claim 49 which the Examiner indicated contained allowable subject matter. Therefore, the Applicant's claimed umbrella frame as now presented in Claim 41 is novel relative to Kida.

Claim 27 depends from Claim 23 and thus, includes all of the features of Claim 23. Therefore, the Applicant's claimed umbrella frame as set forth in Claim 27 is novel relative to Kida for at least the same reasons as Claim 23.

Claim 42 depends from Claim 41 and thus, includes all of the features of Claim 41. Therefore, the Applicant's claimed umbrella frame as set forth in Claim 42 is novel relative to Kida for at least the same reasons as Claim 41.

35 USC 103(a): Claims 1-8 and 22

The Examiner rejected Claims 1-8 and 22 under 35 USC 103(a) as being unpatentable over Kida in view of US 5,694,958 (Chang).

The Applicant's claimed umbrella as set forth in Claim 1 includes a plurality of rib members and a "... *deployable* force spreader provided on a second end of each rib member, the force spreader received within in a pocket of the canopy". The Examiner asserts that Chang discloses an umbrella having a force spreader and that it would have been obvious to modify the umbrella described in Kida to include the force spreader described in Chang. The Applicant submits that his claimed umbrella as set forth in Claim 1 would not have been obvious based on Kida or Chang considered alone or in combination. The Examiner's proposed combination of Kida and Chang would not provide an umbrella having all of the features of the Applicant's claimed umbrella as set forth in Claim 1.

More particularly, Chang does not describe a *deployable* force spreader. The spreader described in Chang is a substantially rigid member that is in a permanently extended state. The transverse head 41 of Chang cannot collapse or be maneuvered into an un-deployed state. It is

**In re the Application of GREIG REID BREBNER
International Application No. PCT/NZ2004/000292
Docket No. 0074-542855**

permanently extended and therefore, it is not “deployable” as that term is used in describing the Applicant’s claimed umbrella. In contrast, the Applicant’s claimed umbrella as set forth in Claim 1 has a force spreader that is deployable. The term “deployable” means that the force spreader of the Applicant’s claimed umbrella can be moved from a collapsed state to an expanded state. Having a deployable force spreader is important in enabling tensioning of the canopy without the need to attach the ends of the ribs to the periphery of the canopy with caps that are fastened to the canopy. Moreover, because the force spreader of the Applicant’s claimed umbrella can collapse when the claimed umbrella is collapsed, the Applicant’s claimed umbrella avoids the bulkiness of the umbrella described in Chang which results from the plurality of T-cap’s (40) that are disposed at the ends of the ribs (30).

For all of the foregoing reasons, it is believed that the rejection of Claim 1 under 35 USC 103(a) is not supported by substantial evidence. Therefore, the rejection is improper and should be withdrawn.

Claims 2-8 and 22 depend from Claim 1 either directly or indirectly, and thus, include all of the features of Claim 1. Therefore, Claims 2-8 and 22 are allowable for at least the same reasons as Claim 1.

35 USC 103(a): Claim 10

The Examiner rejected Claim 10 under 35 USC 103(a) as being unpatentable over Kida in combination with Chang as applied to Claim 1 and further in view of US 2,047,711 (Siers). Siers does not show or describe a deployable force spreader for use in an umbrella as called for in the Applicant’s claimed umbrella as set forth in Claim 10. Therefore, the Examiner’s proposed combination would not have all of the features of the Applicant’s claimed umbrella. Accordingly, the rejection of Claim 10 under 35 USC 103(a) is not supported by substantial evidence and should be withdrawn.

35 USC 103(a): Claim 11

The Examiner rejected Claim 11 under 35 USC 103(a) as being unpatentable over Kida in combination with Chang as applied to Claim 1 and further in view of US 4,711,260 (Wiens et al.). Wiens et al. does not show or describe a deployable force spreader for use in an umbrella as called for in the Applicant's claimed umbrella as set forth in Claim 11. Therefore, the Examiner's proposed combination would not have all of the features of the Applicant's claimed umbrella. Accordingly, the rejection of Claim 11 under 35 USC 103(a) is not supported by substantial evidence and should be withdrawn.

35 USC 103(a): Claims 25, 26, 40, 43, 44, and 59

The Examiner rejected Claims 25, 26, 40, 43, 44, and 59 under 35 USC 103(a) as being unpatentable over Kida. Claims 25, 26, and 40 depend from Claim 23 which contains allowable subject matter as now presented. Therefore, Claims 25, 26, and 40 are allowable for at least the same reasons as Claim 23. Claims 43, 44, and 59 depend directly or indirectly from Claim 41 which contains allowable subject matter as now presented. Therefore, Claims 43, 44, and 59 are allowable for at least the same reasons as Claim 41.

35 USC 103(a): Claims 28 and 46

The Examiner rejected Claims 28 and 46 under 35 USC 103(a) as being unpatentable over Kida in combination with Siers. Claim 28 depends from Claim 23 which contains allowable subject matter as now presented. Therefore, Claim 28 is allowable for at least the same reasons as Claim 23. Claim 46 depends from Claim 41 which contains allowable subject matter as now presented. Therefore, Claim 46 is allowable for at least the same reasons as Claim 41.

35 USC 103(a): Claims 29 and 47

The Examiner rejected Claims 29 and 47 under 35 USC 103(a) as being unpatentable over Kida in combination with Wiens et al. Claim 29 depends from Claim 23 which contains allowable subject matter as now presented. Therefore, Claim 29 is allowable for at least the

In re the Application of GREIG REID BREBNER
International Application No. PCT/NZ2004/000292
Docket No. 0074-542855

same reasons as Claim 23. Claim 47 depends from Claim 41 which contains allowable subject matter as now presented. Therefore, Claim 47 is allowable for at least the same reasons as Claim 41.

35 USC 103(a): Claims 24, 48, and 60-64

The Examiner rejected Claims 24, 48, and 60-64 under 35 USC 103(a) as being unpatentable over Kida in combination with Chang. Claim 24 depends from Claim 23 which contains allowable subject matter as now presented. Therefore, Claim 24 is allowable for at least the same reasons as Claim 23. Claims 60-64 depend directly or indirectly from Claim 41 which contains allowable subject matter as now presented. Therefore, Claims 60-64 are allowable for at least the same reasons as Claim 41. The rejection as applied to Claim 48 is moot in view of the cancellation of that claim.

New Claims 67-70

The Applicant submits that the claimed umbrella as set forth in Claim 67 is not obvious in view of any of the references cited against the other claims. More specifically, the Applicant's claimed umbrella as set forth in Claim 67 includes a force spreader which is " ... *deployable* from a collapsed state to an expanded state within the pocket to tension the canopy upon reconfiguring the umbrella from a collapsed state to an open state using the slider". For the same reasons discussed above relative to the rejections of the other claims, the cited references, whether considered alone or in combination, do not describe or suggest a deployable force spreader that has the characteristics of the force spreader described in Claim 67. Therefore, there is no suggestion of the combination of features of the Applicant's claimed umbrella as set forth in Claim 67. Further, none of the cited references describes a force spreader that is deployable from a collapsed state to an expanded state within a pocket on the periphery of the canopy. Nor do they describe or suggest a force spreader that in doing so can tension the canopy upon reconfiguring their umbrella from a collapsed state to an open state. The transverse head arrangement in Chang is in a permanently expanded state. Therefore, it is not deployable as that term is used in the present application.

**In re the Application of GREIG REID BREBNER
International Application No. PCT/NZ2004/000292
Docket No. 0074-542855**

The Applicant's claimed umbrella as set forth in Claim 68 further includes rib members having a first member that is slidable relative to a second member that is pivotally connected to the shaft. As set forth in Claim 68, each force spreader is provided on an end of a respective first member. Movement of the first member relative to the second member away from the shaft deploys the force spreader into an expanded state. None of the references of record in this application describes or suggests an umbrella that has such a feature or provides such functionality.

Claims 69 and 70 set forth additional features of the Applicant's claimed umbrella that relate to the deployment and retraction of the force spreader. None of those features is described or suggested in any of the cited documents.

CONCLUSION

In view for the foregoing amendments and remarks, it is believed that the claims currently pending in this application are in condition for allowance. The Applicant respectfully requests that the Examiner reconsider the application in the light of the amendments and remarks presented herein.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation
Attorneys for Applicant

By Vincent T. Pace
VINCENT T. PACE
PTO Registration No. 31,049

Tel.: 215-563-4100
Fax: 215-563-4044
E-mail: vpace@ddhs.com